

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID VELASQUEZ,

Plaintiff,

v.

A. BARRIOS, C. GRAY, C. ROBERTSON, M.
LEVIN, F. PASCUA, R. TORREZ, GONZALES,
FLINT, S. THOMAS, C. HALL, N. GRANNIS,
and L.E. SCRIBNER,

Defendants.

Civil No. 07-CV-1130 LAB (CAB)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT; DIRECTING
SERVICE OF FIRST AMENDED
COMPLAINT**

[Doc. # 7]

Plaintiff David Velasquez ("Plaintiff" or "Velasquez") filed this action under 28 U.S.C. § 1983. The original Complaint misspelled the name of Defendant C. Gray as "C. Grey." Plaintiff now seeks leave of Court to amend his Complaint by changing the spelling of this Defendant's name from "C. Grey" to "C. Gray."

Plaintiff's motion is **GRANTED**. "A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." Fed. R. Civ. P. 15(a). There has been no responsive pleading filed in the case. Accordingly, Plaintiff may amend his Complaint. The Clerk of the Court shall file the proposed amended pleading, attached to Plaintiff's present motion, as "First Amended Complaint."

The First Amended Complaint shall be deemed filed as of the date of this Order. Plaintiff's motion for leave to amend was filed *nunc pro tunc* to October 5, 2007. Although Plaintiff could have

1 filed the First Amended Complaint without leave of court, making October 5, 2007 the filing date would
2 shorten Plaintiff's time for service.

3 The Clerk of the Court shall issue a summons for all named Defendants and provide Plaintiff
4 with a certified copy of this Order, the First Amended Complaint, and a blank U.S. Marshal Form 285
5 for each Defendant. Plaintiff shall complete Forms 285 and forward them to the U.S. Marshal. The U.S.
6 Marshal then shall serve a copy of the First Amended Complaint, any exhibits and summons upon
7 Defendants. All costs of service shall be advanced by the United States. *See* 28 U.S.C. § 1915(d); Fed.
8 R. Civ. P. 4(c)(2).

9 **IT IS SO ORDERED.**

10 DATED: October 16, 2007

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13 **CATHY ANN BENCIVENGO**
United States Magistrate Judge
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